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AND CRIMINAL JUSTICE
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Vienna, 28 April-9 May 1997
Item 4 of the provisional agenda*

PROMOTION AND MAINTENANCE OF THE RULE OF LAW AND GOOD GOVERNANCE; ACTION AGAINST CORRUPTION

Action against corruption and bribery

Report of the Secretary-General

Addendum

The Secretary-General has the honour to submit to the Commission on Crime Prevention and Criminal Justice the report of the Expert Group Meeting on Corruption, held at Buenos Aires from 17 to 21 March 1997 (see annex).

*E/CN.15/1997/1.

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Annex

REPORT OF THE EXPERT GROUP MEETING ON CORRUPTION, HELD AT BUENOS AIRES FROM 17 TO 21 MARCH 1997

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CONCLUSIONS AND RECOMMENDATIONS

1. The Expert Group Meeting on Corruption, held at Buenos Aires from 17 to 21 March 1997, would like to bring to the attention of the Commission on Crime Prevention and Criminal Justice, at its sixth session, the conclusions and recommendations below for its consideration and action.

A. Implementation of General Assembly resolution 51/59 and Economic and Social Council resolution 1995/14

General considerations

2. The increasing complexity and growing sophistication of corruption, as well as the multiplicity and diversity of the problems it creates at the national and international levels, require concerted action and common solutions. The measures to prevent and control the phenomenon, which need to be elaborated and implemented at the national and international levels, cut across the economic, social, cultural, political and legal fields. Therefore, programmes composed of interrelated and carefully coordinated measures, including administrative, civil, procedural and criminal legislation, as well as various regulatory provisions and administrative action designed to prevent and control corruption, are of high priority.

3. Successful action against corruption must be based on a strong and sustained commitment of Governments to combat the phenomenon in all its manifestations. Such action also needs to be based on a culture of

accountability, transparency, competence and integrity in public life. That culture needs to be complemented by the pursuit of excellence and respect for merit. Greater awareness of and sensitivity to the adverse effects of corruption on economic and social development are conducive to the formation and sustainability of that commitment.

4. Institutions that are essential in any programme for the prevention and control of corruption must include the following:

(a) An effective and fair criminal justice system, especially an independent judiciary,* which utilizes all available tools for the investigation and prosecution of corrupt activities;

(b) A free, fair and attentive press;

(c) Adequately trained and compensated law enforcement, investigative, auditing and monitoring bodies with the highest standards of professionalism and integrity.

5. Action against corruption also requires the adoption or revision of legislation and regulatory provisions to ensure that there is in place a set of measures that facilitate the prevention, detection, deterrence, prosecution and adjudication of corruption, fully taking into account the evolving nature of the problem and its various manifestations. Legislation and regulatory provisions should also be geared towards matching the sophistication of the phenomenon and its increasingly transnational nature.

6. Furthermore, effective action against corruption requires the participation, active involvement and cooperation of civil society. This is important in order to ensure that public attitudes and perceptions of corruption are changed, where necessary, (a) to instil and maintain a culture of legality as the basis for the sustainability and success of measures to prevent and control corruption and (b) to enlist support and cooperation to help defeat the consensual nature of corruption. Programmes for the prevention and control of corruption, therefore, need to include measures to ensure public involvement and support at all levels.

Specific measures

7. It is recommended that consideration should be given to the specific measures presented below.

Disclosure by public officials of assets and liabilities

8. States are urged to adopt or review, as appropriate, measures that oblige public officials to disclose assets, liabilities and copies of their income tax returns. The purpose of such disclosure is to facilitate accountability; the relevant disclosure rules should, therefore, be extended to at least the spouses and dependent children of public officials and could cover other persons as may be dictated by the cultural traditions of the country. States should consider whether such disclosure should be required of public officials at all levels or only of those at higher levels in administration or of public officials who may be more vulnerable because of their positions. Consideration should be given to conferring investigative powers on appropriate bodies in connection with monitoring and evaluating disclosures, as well as to imposing sanctions for false reporting. Provisions would also need to be made to ensure that the information provided will not be misused.

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*See the Basic Principles on the Independence of the Judiciary (*Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Milan, 26 August-6 September 1985: report prepared by the Secretariat* (United Nations publication, Sales No. E.86.IV.1), chap. I, sect. D.2, annex).

Guidelines for the performance of duties by public officials

9. It is recommended that States should consider elaborating guidelines and other material, such as case studies and information circulars, which set out clearly and consistently the functions and duties of public officials. This practice would be particularly important for officials holding positions with highly complex functions. The ultimate purpose of the guidelines and related material would be to assist public officials in resolving ethical or legal dilemmas, by making it clear to public officials what is expected or required of them.

Introducing or strengthening existing independent auditing institutions or bodies that vet public expenditures

10. States should establish or strengthen, as appropriate, independent auditing entities, providing them with the authority and capacity to scrutinize public expenditures. This would be a very valuable and effective measure to prevent and deter corrupt practices, while promoting a culture of transparency and accountability in the administration of public funds.

Establishment of specialized anti-corruption bodies

11. Experience has shown that there are definite advantages to the establishment of specialized bodies provided with the mandate and capacity to concentrate on the prevention and control of corruption. Such bodies could include general inspectorate, ombudsmen, vigilance committees or other similar entities that can give sufficient attention to all problems involving corruption. It is recommended that States should consider the feasibility of establishing such groups and passing legislation regarding the range of their powers, the degree of independence to be accorded to them and mechanisms with which they can effectively operate and cooperate and coordinate their action with existing institutions.

Measures to introduce or encourage transparency in the management of public funds and in the decision-making process

12. It is recommended that States should elaborate and implement, or review, as appropriate, legislative measures to promote greater transparency in the expenditure of public funds by allowing or encouraging public access to and monitoring of the related decision-making process. The relevant rules would be applicable to the decision-making process in the ordinary course of government operations. These measures could be coupled with legislation and regulations to ensure transparency in the accounting of business expenses of individual or corporate entities doing business with the Government.

*Establishment of transparent and competitive procedures for tendering and supervision of public works contracts and introduction of clear procurement rules**

13. In view of the sensitivity of the public works tendering and supervision processes and the vulnerability of procurement carried out through the use of public funds, transparency and competition, as well as clarity of both rules and procedures, are essential. It is recommended that the rules covering these processes should be reviewed and, where such rules do not exist, appropriate legislation and regulations should be elaborated and adopted to ensure the above-mentioned qualities. Simplicity and consistency, coupled with the elimination of

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*The UNCITRAL Model Law on Procurement of Goods, Construction and Services (*Official Records of the General Assembly, Forty-ninth Session, Supplement No. 17* and corrigendum (A/49/17 and Corr.1), annex I) could serve as a useful reference in this connection.

unnecessary procedures that prolong the process or make it cumbersome, are additional elements to be taken into consideration in this context.

Measures to ensure free competition, including anti-trust regulations

14. An economic environment where free competition operates offers fewer opportunities for corrupt practices and provides the possibility to better prevent and control corruption. It is recommended that legislative and regulatory action should be taken in this area as a means of preventing the occurrence of corruption. Price-fixing, boycotts, market allocations and refusals to deal are among the practices that such measures should target.

Measures to prevent improper advantages

15. It is recommended that States should consider curtailing practices involving covert corruption occurring in connection with the use by public officials of their positions, influence or knowledge acquired in the course of performing their functions to inappropriately benefit individuals or entities dealing with government agencies. Such practices offer no immediate pecuniary benefit or other advantage to the public official but have a deferred benefit, which is offered after the public official has left office. Measures intended to deal with such practices should not result in overregulation or in any way impede the perfectly legitimate right of public officials to secure employment after leaving public office or to use the experience or expertise they acquired during their time in public office.

Elimination or curtailment of bank secrecy

16. Corruption is often linked with the laundering of illicit proceeds. Corrupt officials are using the same channels and operate in the same fashion as the perpetrators of other serious offences from which profit is derived in order to launder and enjoy the proceeds of their illicit activities. In view of the complex nature of corrupt practices and the difficulties in detecting and investigating related crimes, the elimination or curtailment of bank secrecy is essential. States should take appropriate legislative and regulatory measures to ensure that the proceeds of corruption are detected and recovered.

Measures to ensure and encourage public participation

17. As mentioned above, public participation, involvement and cooperation are essential prerequisites of every programme to prevent and control corruption. States should, therefore, adopt measures that emphasize the need for widespread change in public attitudes towards the problem and ensure that tolerance of corruption is lowered or eliminated. It is also important to ensure increased public awareness of citizens' rights to uncorrupted government services and programmes. In this connection, measures should include the elaboration of citizens' complaint procedures and the establishment of a system of initial review to avoid unsubstantiated, frivolous, vexatious or mischievous accusations. Furthermore, action in this field should involve encouraging regular monitoring of bodies in charge of handling complaints and developing public campaigns involving the media, educational institutions, business, trade unions and religious and community leaders, in order to change attitudes, promote ethical values and enlist public support for necessary anti-corruption resources and legislation. States should fully develop the potential of relevant bodies already foreseen in their constitutions or legislation. It would also be useful to encourage the formation of citizens' organizations to monitor official bodies.

Measures to ensure accountability and effective disciplinary action

18. It is recommended that States should establish, where appropriate, essentially administrative measures and procedures within public administration to ensure accountability for action taken and decisions made by public officials and to envisage disciplinary measures for violations of regulations or codes of conduct, including remedial action, while safeguarding due process. These measures are important as they are complementary to any other action or recourse that may be appropriate when the act in question also constitutes a violation of legislation. Such measures have a significant deterrent effect, in addition to the obvious advantage of ensuring that internal regulations and codes of conduct are not of a merely symbolic nature.

Financing of political parties and campaigns

19. It is recommended that States should consider measures to ensure transparency in the financing of political parties and campaigns, while safeguarding related fundamental rights and freedoms and avoiding the placement of impediments to the operation of political parties.

Guaranteeing freedom of the press and the right to information

20. Guaranteeing freedom of the press and the right of the public to information is indispensable for the prevention and control of corruption. The press has a duty to contribute to the prevention and control of corruption by faithfully and consistently delivering information.

Elaboration and introduction of codes of ethics for certain categories of professions

21. The central role certain professions play in action against corruption, together with the consequent expectations of the public and of the State of increased contributions by those professions to the achievement of common objectives, creates increased responsibilities and obligations for their members. In addition, the essential position of certain professions in a democratic society argues in favour of their self-regulation rather than action by the State in that direction. It is, therefore, recommended that certain professions such as judges, prosecutors, auditors, lawyers and journalists should be encouraged to develop and implement codes of ethics to enable them to discharge their obligations and responsibilities in the common efforts against corruption.

Elaboration of a programme to encourage the implementation of the International Code of Conduct for Public Officials

22. States should rely on the International Code of Conduct for Public Officials* and to use the principles it embodies as the basis for the development of programmes against corruption. The Crime Prevention and Criminal Justice Division of the Secretariat should regularly collect information on this matter and keep the Commission on Crime Prevention and Criminal Justice informed of such reliance and of the implementation of national programmes. The Division should further develop technical cooperation programmes for providing assistance to States desiring to elaborate and implement anti-corruption programmes.**

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*General Assembly resolution 51/59, annex.

**The issue of technical assistance is discussed in more detail in paragraph 50 below.

B. Implementation of General Assembly resolution 51/191

Making it a criminal offence to bribe or corrupt foreign public officials

23. Making corruption and bribery of foreign public officials a criminal offence is of the utmost importance in a consolidated international effort against corruption. States should review their legislation and establish that offence or, as appropriate, pursue effective enforcement of existing laws prohibiting bribery in international commercial transactions. Appropriate consideration should be given, in this context, to the sanctions foreseen in order to provide for an effective deterrent. Furthermore, States should consider including in their legislation provisions that would allow private parties qualifying as victims of corrupt practices in international commercial transactions to pursue remedial action against perpetrators.

Legislation against money-laundering

24. Bribery of foreign officials should be included among the predicate offences in legislation against money-laundering. States that do not yet have legislation against money-laundering should be strongly urged to adopt such legislation.

International convention against corruption and bribery in international commercial transactions

25. It is strongly recommended that the Commission on Crime Prevention and Criminal Justice should elaborate an international convention against corruption and bribery in international commercial transactions, pursuant to General Assembly resolution 51/191, such a convention being the most appropriate tool for fighting this problem. Such a convention would need to include effective enforcement mechanisms.*

Tax deductibility of illicit payments

26. States should be encouraged to adopt legislative and regulatory measures to make it impossible for corporate entities or individuals to obtain tax benefits or deductions for payments outside their countries that would constitute bribes or other inappropriate payments to foreign public officials. In elaborating and putting in place the relevant legislative and regulatory regime, States should consider the development of systems and procedures that would allow the detection of illicit payments hidden under presumedly legal expenditure.

Corporate criminal liability

27. In accordance with their legal systems and traditions, States should include in their legislation provisions to establish corporate criminal liability as a measure to enhance accountability of corporate entities and allow more effective enforcement of other legislative and regulatory measures against corruption and bribery.

Accounting standards and practices

28. States should review their existing regulatory and legislative measures to ensure that accounting standards and practices that enhance the transparency of international commercial transactions are improved or developed, as appropriate, and are followed consistently in order to increase the effectiveness of other measures against corruption and bribery.

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*The question of the elaboration of such a convention is discussed in more detail in paragraph 51 below.

C. Measures common to the implementation of General Assembly resolutions 51/59 and 51/191

Criminal law

Review of the adequacy of national criminal laws

29. To enhance their capacity to respond to all forms and manifestations of corruption, as well as to any conduct assisting or facilitating corrupt activities, States should be encouraged to review their criminal policy and legislation in order to determine their adequacy for effective prevention and control of corruption. States should examine the adequacy of sanctions foreseen under their legislation in order to ensure sufficient deterrence.

Revision of immunity mechanisms

30. States should be encouraged to review and, if appropriate, revise mechanisms and rules that under certain circumstances accord immunity to public officials, in order to preclude the possibility of those mechanisms or rules being used to engage in corruption or bribery with impunity.

Laundering of the proceeds from corruption

31. Further to the recommendation concerning the inclusion of corruption and bribery among the predicate offences foreseen by legislation against money-laundering, criminal legislation should be strengthened by making the laundering of proceeds from corruption and bribery a criminal offence.

Aggravating circumstances

32. States should consider including in their legislation provisions taking into account aggravating circumstances in cases where corruption is linked with organized criminal activities, including illicit drug and arms trafficking, as well as other serious crimes. This measure is particularly important in view of the fact that corruption is almost invariably used by organized criminal groups in their operations, particularly those of a transnational nature.

Securing the cooperation of witnesses and accomplices

33. In view of the complexity and consensual nature of corruption and bribery, it is recommended that States should consider, within the context of their legal systems and traditions, ensuring or increasing the flexibility of their criminal legislation, in order to allow for the consideration of either extenuating circumstances or immunity from prosecution, as appropriate, for those who provide evidence or other useful information to law enforcement authorities investigating or prosecuting corruption cases.

Protection of and remedial action for victims of corruption

34. States should be encouraged to review their civil legislation and adopt or strengthen, as appropriate, measures to ensure that the victims of corruption, such as competitors or individuals and victims of extortion, have access to remedial action both in their home countries and abroad. Such remedial action would also include the ability to recover fraudulently obtained funds. States should also consider including in bilateral or

multilateral treaties on cooperation in criminal matters provisions for the protection of the rights of foreign individuals or entities in corruption cases.*

Administrative law

Use of administrative sanctions

35. It is recommended that States should undertake an examination of the relationship between criminal and administrative law for the purpose of finding the best way for speedy action to be taken against corruption. It is also recommended that administrative provisions should complement criminal legislation. Such provisions should include sanctions, to be imposed with full regard to due process, and should be used as much as possible because of the flexibility they offer, particularly in cases of corrupt practices within public administration.

Oversight mechanisms

36. States should be encouraged to elaborate and adopt, as appropriate, measures designed to make high-ranking public officials, as well as officials whose functions include making important decisions, also accountable to elected bodies. Such measures would raise the standards of management in public administration, while guaranteeing that elected representatives pay due attention to the functioning of public administration, thereby fulfilling in a responsible fashion a role entrusted to them by their constituencies. Such measures also offer the advantage of promoting the values of good governance.

Fostering responsibility at the local level by decentralizing the decision-making process

37. States should be encouraged to consider the possibility of promoting or enhancing decentralization, allowing local authorities to exercise their roles and perform their assigned tasks more rationally and responsibly. The process of decentralization should be accompanied by a simplification of rules and procedures for public contracts and procurement, in order to exercise more efficient controls.

Procedural law

Execution of foreign judgements

38. States should be encouraged to ensure that judgements rendered in foreign jurisdictions concerning the protection of victims of corruption, or the remedies afforded to them, are enforceable in their jurisdictions.

Accessory measures

39. States should consider the adoption of measures that would be triggered by a final judgement and would provide for exclusion from entering into contractual arrangements with public institutions for certain periods of time.

Provisions to encourage the cooperation of witnesses

40. States should be encouraged to review their legislation, as appropriate, in order to determine the possibility of adopting measures to encourage and facilitate the cooperation with law enforcement authorities of witnesses,

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*See also the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (General Assembly resolution 40/34, annex).

victims and individuals charged as co-defendants in corruption cases, paying due regard to the rights of the accused. Such measures should include witness protection schemes, alternatives to prosecution and flexibility in determining penalties.

Burden of proof in corruption cases

41. States should consider whether circumstances prevailing in their respective jurisdictions would justify the adoption of provisions which, without impinging upon the fundamental rights of the accused, including the right to a fair trial, would provide for the reversal of the burden of proof, particularly during the investigation, in cases where the individuals or entities under investigation appear to have in their possession or have available, directly or indirectly, goods and means that are clearly beyond their normal financial standards.

Investigation techniques

42. States should be encouraged to consider the use of modern techniques that have proved to be effective in investigating complex forms of crime such as corruption. Such techniques could include electronic surveillance, the use of undercover agents and the collection of information through confidential reporting mechanisms. Such law enforcement operations should be submitted to the appropriate legal and judicial controls.

Duty to observe confidentiality during the investigation

43. States should be encouraged to consider the adoption of measures to ensure that law enforcement officials do not disclose confidential information to the public or the media, particularly at the investigation stage, when the guarantees of due process are not yet in full effect. Such measures should guarantee the protection of the rights of the accused, as well as the proper conduct of the investigation.

Strengthening the capabilities of investigative personnel and the judiciary

44. States should be encouraged to ensure that law enforcement personnel, prosecutors and the judiciary dealing with corruption cases are properly trained and skilled, particularly in view of the highly sophisticated methods employed in serious corruption cases.

Forfeiture of assets that are the fruits of corruption and bribery

45. States should be encouraged to adopt legislation that would allow the seizure and forfeiture of assets acquired through corruption and bribery. Such assets may be used to provide the means for restitution for victims of corruption and to finance law enforcement investigations aimed at preventing and controlling corruption and may be shared with other States that have been involved in and have contributed to the detection and investigation of corruption cases.

International cooperation

Preventing the laundering of proceeds of corruption

46. States should be encouraged to explore all possible mechanisms of international cooperation with a view to limiting the use of banking and commercial institutions and mechanisms to launder ill-gotten proceeds, including tax havens, "shell" companies* and other systems as they may deem appropriate.

Evidence-gathering procedures in corruption cases

47. States should study legal mechanisms and arrangements to facilitate law enforcement and judicial cooperation at the bilateral, regional and international levels, particularly as it relates to evidence gathering and admissibility in corruption cases, also with a view to harmonizing national legislation. That may be facilitated by a study on evidence gathering in corruption cases that the Secretariat, with the assistance of Member States and relevant international organizations, may be requested to carry out.

Mutual assistance in corruption cases

48. States should assist each other during the investigation of corruption cases and in the enforcement of legislation against corruption. Such assistance may consist of formal and informal arrangements, such as the rapid execution of letters rogatory or the exchange of information between law enforcement authorities to prevent delays in a corruption case and should be rendered in a way that does not prejudice the investigation and adjudication of the case in the requested State.

Joint activities and mechanisms for preventing and controlling international corruption

49. States should consider providing for joint investigations, including through the establishment of joint anti-corruption units, or within regional and international arrangements, with a view to preventing and controlling corruption cases that may be carried out in more than one State, or through the use of international transactions or banking and commercial arrangements.

D. Technical assistance

50. Technical cooperation is indispensable in the common pursuit of effectively preventing and controlling corruption. As such, it must form a central and essential component of the efforts of the international community, including the efforts of the United Nations and other international organizations, to improve concerted action against corruption at every level. States should support the United Nations and other relevant international organizations in elaborating and implementing technical cooperation programmes aimed at providing assistance to States that need to strengthen their capacity to meet the threat posed by corruption. Such assistance should include:

(a) Provision of advisory services and expertise in the elaboration and implementation of comprehensive strategies and mechanisms for preventing and controlling corruption;

(b) Provision of training programmes for key public officials, including law enforcement personnel and the judiciary, auditors and personnel responsible for public contracts and procurements, so as to enhance standards of professional conduct and accountability;

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*"Shell" companies are entities legally established solely for the purpose of engaging in criminal activity.

(c) Elaboration of comparative studies on the different means and procedures of obtaining evidence and its use in relation to corruption offences;

(d) Provision of assistance in the identification of international experts and consultants who may be employed in technical cooperation programmes aimed at strengthening the internal capacity of national structures to deal with corruption;

(e) Development of a database on national legislation, investigation techniques, best practices and relevant experience, information and knowledge in preventing and controlling corruption, both at the regional and international levels;

(f) Examination and elaboration of procedures for the disclosure of assets and liabilities of public officials;

(g) Elaboration of programmes to assist States in promoting the establishment and strengthening of internal and external auditing systems and mechanisms for use by interested entities. Such systems and mechanisms would be designed to provide greater transparency and thereby facilitate the detection of corruption and bribery;

(h) Implementation of feasibility studies, as well as provision of advisory services, expertise and equipment, for the establishment of national independent anti-corruption bodies;

(i) Implementation of feasibility studies, as well as provision of advisory services, expertise and equipment, for the establishment of ombudsmen as a means of responding to victims' complaints;

(j) Development of sustainable public campaigns involving the media, educational institutions, business and community leaders to change attitudes, promote ethical values, reduce tolerance to corruption and enlist public support for anti-corruption efforts;

(k) Collection and analysis of national anti-corruption strategies in order to elaborate a compilation of best practices that would form the basis for training programmes;

(l) Elaboration of comparative studies that would assist States in designing, formulating and implementing joint strategies and collaborative arrangements to prevent and control corruption;

(m) Elaboration of manuals on the investigation and prosecution of corruption and bribery.

E. Elaboration of an international convention against corruption and bribery

51. The elaboration of an international convention against corruption and bribery, pursuant to General Assembly resolution 51/191, paragraph 4, is considered to be the most effective response to the problem. Successful efforts at the regional level demonstrate the feasibility of this undertaking and constitute proof of the ability of the international community to arrive at common concepts and to devise generally acceptable methods and strategies that would form the basis of improved and effective international cooperation. The phenomenon of corruption and bribery has become transnational in nature as a result of increasing globalization and liberalization of trade. It is no longer possible to deal with it effectively only through national action. The international community is in urgent need of a common basis for cooperation that would promote the values of good governance and would ensure that development and growth are not impeded by corrupt practices. While recognizing that action already under way at the national or regional level should continue and be intensified, the elaboration of such an international convention must be the ultimate objective. It is therefore

strongly recommended that the Commission on Crime Prevention and Criminal Justice should be requested to undertake this task as a matter of high priority, drawing also on the relevant provisions of General Assembly resolution 51/59 and Economic and Social Council resolution 1995/14. States should extend to the Commission their full support and cooperation and be fully engaged in the process, in order to permit the Commission to perform this task as soon as possible.

INTRODUCTION

52. The Economic and Social Council, in its resolution 1995/14, adopted on the recommendation of the Commission on Crime Prevention and Criminal Justice at its fourth session, urged States to develop and implement anti-corruption measures, to increase their capacity to prevent, detect, investigate and prosecute corrupt practices and to improve international cooperation in the prevention and control of corruption. In the same resolution, the Council requested the Secretary-General to review and expand the manual on practical measures against corruption[a] and to coordinate and cooperate with other United Nations entities and other international organizations in undertaking joint activities to prevent and control corruption. In addition, the Council requested the Commission to keep the issue of action against corruption under regular review.

53. The Commission at its fifth session recommended to the Economic and Social Council the approval of a draft resolution entitled "Action against corruption" for adoption by the General Assembly. The draft resolution was subsequently adopted by the General Assembly as its resolution 51/59. In that resolution the Assembly adopted the International Code of Conduct for Public Officials, annexed to the resolution, and recommended it to Member States as a tool to guide their efforts against corruption. In the same resolution, the Assembly requested the Secretary-General, in consultation with States and relevant entities, to elaborate an implementation plan and submit it to the Commission at its sixth session, in conjunction with his report to be submitted pursuant to Council resolution 1995/14.

54. The General Assembly, in its resolution 51/191, adopted the United Nations Declaration against Corruption and Bribery in International Commercial Transactions, annexed to that resolution, and requested the Economic and Social Council and its subsidiary bodies, in particular the Commission on Crime Prevention and Criminal Justice: (a) to examine ways, including through binding international instruments, without in any way precluding, impeding or delaying international, regional or national actions, to further the implementation of the resolution and the Declaration, so as to promote the criminalization of corruption and bribery in international commercial transactions; (b) to keep the issue of corruption and bribery in international commercial transactions under regular review; and (c) to promote the effective implementation of the resolution.

55. The Expert Group Meeting on Corruption was organized pursuant to the generous offer by the Government of Argentina to act as host to the Meeting and to cover all related expenses, in an effort to assist the Commission on Crime Prevention and Criminal Justice in implementing the above-mentioned resolutions.

ORGANIZATION OF THE MEETING

A. Opening of the Meeting

56. The Expert Group Meeting on Corruption was hosted by the Ministry of Justice of Argentina. The Crime Prevention and Criminal Justice Division of the Secretariat served as secretariat of the Meeting.

57. At the opening meeting, statements were made by the Minister of Justice of Argentina and by the Officer-in-Charge of the Division.

B. Attendance

58. The list of experts attending the Meeting is contained in appendix I.

C. Documentation

59. The list of documents distributed to the experts is contained in appendix II.

D. Election of Officers

60. Eugenio María Curia, Director of the Department of International Affairs of the Ministry of Justice of Argentina, was elected Chairman of the Meeting.

E. Adoption of the agenda

61. The Expert Group adopted the following agenda:

1. Opening of the Meeting.

2. Adoption of the agenda and organization of work.

3. Elaboration of an action plan for the implementation of General Assembly resolution 51/59, including the International Code of Conduct for Public Officials, and Economic and Social Council resolution 1995/14.

4. Identification of modalities and action for the implementation of General Assembly resolution 51/191, on corruption and bribery in international commercial transactions.

5. Revision and expansion of the manual on practical measures against corruption, developed and published by the Crime Prevention and Criminal Justice Division (*International Review of Criminal Policy*, Nos. 41 and 42).

6. Review and provision of comments on a draft model law against corruption, prepared by the Crime Prevention and Criminal Justice Division and the United Nations International Drug Control Programme.

7. Adoption of the report of the Meeting.

8. Closure of the Meeting.

F. Closure of the Meeting

62. Closing statements were made by the Minister of Justice of Argentina and by a representative of the Division.

Notes

[a] *International Review of Criminal Policy*, Nos. 41 and 42 (United Nations publication, Sales No. E.93.IV.4).

Appendix I

LIST OF PARTICIPANTS

Experts

Rafael Alunan III (Philippines)

Laurence Giovacchini (France)

Edward G. Hoseah (United Republic of Tanzania)

Cristina Luzescu (Romania)

Abelardo Rivera Llano (Colombia)

Fyodor Shelyuto (Russian Federation)

Jong Dae Shin (Republic of Korea)

Frank Solomon (Trinidad and Tobago)

Richard Thornburgh (United States of America)

Observers

Sergio Martín Alvarez, Rafael Eduardo Ciccia, Mariano Enrico, Fabricio Guariglia, Guillermo Pablo Laveglia, Esteban Marino, Jose Ureta.

Intergovernmental Organizations represented by observers

World Bank, Inter-American Development Bank, Organization of American States and International Criminal Police Organization.

Appendix II

LIST OF DOCUMENTS

I. UNITED NATIONS

1. United Nations, Department of Technical Cooperation for Development and Centre for Social Development and Humanitarian Affairs, *Corruption in Government: Report of an Interregional Seminar, The Hague, The Netherlands, 11-15 December 1989* (TCD/SEM.90/2).

2. Efforts by the United Nations to address the issue of corrupt practices: report of the Secretary-General (E/1991/31 Add.1, 4 July 1991).

3. "Practical measures against corruption", *International Review of Criminal Policy*, Nos. 41 and 42.

4. Economic and Social Council resolution 1995/14 of 24 July 1995.

5. International Code of Conduct for Public Officials (General Assembly resolution 51/59, annex, of 12 December 1996).

6. United Nations Declaration against Corruption and Bribery in International Commercial Transactions (General Assembly resolution 51/191, annex, of 16 December 1996).

7. "Model Law on Corruption".

8. "Commentary on Model Law on Corruption".

II. COUNCIL OF EUROPE

1. Multidisciplinary Group on Corruption (GMC). Code of Ethics for Board Directors in the Public Sector: document submitted by the Office of the Prime Minister of Malta (GMC (95) 24, 28 March 1995).

2. Multidisciplinary Group on Corruption: First Conference for Law-Enforcement Officers Specialized in the Fight against Corruption (Strasbourg, 24-25 April 1996); conclusions and recommendations of the General Rapporteur (GMC (96) 53, 26 April 1996).

3. Multidisciplinary Group on Corruption (GMC) and Working Group on Criminal Law (GMCP): summary report of the fourth meeting (Strasbourg, 24-27 June 1996) and summary report of the fourth plenary meeting of the GMC (Strasbourg, 28 June 1996) (GMC (96) 74, 9 September 1996).

4. Multidisciplinary Group on Corruption (GMC): preliminary draft framework convention against corruption (GMC (96) 81, 5 November 1996).

5. Multidisciplinary Group on Corruption (GMC) and Working Group on Civil Law (GMCC). Feasibility Study on the drawing up of a convention on civil remedies for compensation for damage resulting from acts of corruption (GMC (96) 43 final 2, 2 December 1996).

6. Multidisciplinary Group on Corruption (GMC): Programme of Action against Corruption adopted by the Committee of Ministers.

III. EUROPEAN COMMUNITY

1. "Protocol drawn up on the basis of article K.3 of the Treaty on European Union to the Convention on the Protection of the European Communities' Financial Interests" (18 October 1996).

2. "Draft convention on the fight against corruption involving officials of the European Communities or officials of Member States of the European Union" (20 November 1996).

IV. ORGANIZATION OF AMERICAN STATES

1. Inter-American Convention against Corruption (1996).

2. Plan of Action against Corruption.

V. ORGANISATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT

Implementation of the recommendations on bribery in international business transactions: Report of the Organisation for Economic Co-operation and Development (OECD) Committee on International Investment and Multinational Enterprises (CIME) to the 1996 meeting of the OECD Council at the ministerial level.

VI. INTER-PARLIAMENTARY UNION

Draft convention on measures to be taken in the international field against those guilty, in the exercise of public office, of fraudulent enrichment prejudicial to the public interest: recommended by the 51st Inter-Parliamentary Conference (Brasilia, 1 November 1962).